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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,676	08/25/2003	Rajendra S. Chittar	1374-004P/FS3	3283

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SCHWEITZER CORNMAN GROSS & BONDELL LLP
292 MADISON AVENUE - 19th FLOOR
NEW YORK, NY 10017

EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2193

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/647,676

Applicant(s)

CHITTAR ET AL.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 9-10 and 15-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-10 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bahrs et al. (6,002,874). **The previous rejections are hereby repeated with bold lettering to indicate responses to the applicant's remarks.**

What is claimed is:

Bahrs et al.

9. An apparatus for universal
Programming language conversion
Between two different sequential...

See the title and the abstract.

A processor for instantiating classes
In a framework...

See item 404 of fig. 4.

Here the apparatus merely includes a processor. The intended use of the processor does not create or define a new apparatus. Furthermore, the types of programming languages used in the processor does not define a new processor; however, see col. 31 lines 4-13 and col. 1 lines 44-48.

See col. 2 lines 28-45. The conversion, although not considered to enable a new processor, is inherently provides for via, for example, the goto structure. **The applicant is directed to the definition of the term syntax (see page 382 of Que's Computer Programmer's Dictionary attached), which is defined as "The rules specifying the form of**

the statements used in a given language (therefore, it is different for each language) and how the statements may be combined into programs. Therefore, as previously indicated syntax conversions from one language to another requires stripping of the original format and transforming to the syntax required for the target language to avoid errors, see also the background and summary of the two newly cited references (2002/0040359, 2006/0277029 and 6,523,172) which are listed to indicate the state of the art of conversions from one language to another.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-10 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Tondreau et al. (2003/0226123).

Claims

Tondreau

9. An apparatus for universal
Programming language conversion
Between two different sequential...

See the title and the abstract.

A processor for instantiating classes

See item 404 of fig. 4.

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In a framework.

Here the apparatus merely includes a processor. The intended use of the processor does not create or define a new apparatus. Furthermore, the types of programming languages used in the processor does not define a new processor; however, see col. 31 lines 4-13 and col. 1 lines 44-48.

See col. 2 lines 28-45. The conversion, although not considered to enable a new processor, is inherently provides for via, for example, the goto structure. **The applicant is directed to the definition of the term syntax (see page 382 of Que's Computer Programmer's Dictionary attached), which is defined as "*The rules specifying the form of the statements used in a given language (therefore, it is different for each language) and how the statements may be combined into programs. Therefore, as previously indicated syntax conversions from one language to another requires stripping of the original format and transforming to the syntax required for the target language to avoid errors, see also the background and summary of the two newly cited references (2002/0040359, 2006/0277029 and 6,523,172) which are listed to indicate the state of the art of conversions from one language to another.***

5. Claims 9-10 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Dupuy et al. (6,523,171).

Claims

Dupuy

9. An apparatus for universal
Programming language conversion
Between two different sequential...

See the title and the abstract.

A processor for instantiating classes
In a framework.

See item 404 of fig. 4.

Here the apparatus merely includes a processor. The intended use of the processor does not create or define a new apparatus. Furthermore, the types of programming languages used in the processor does not define a new processor; however, see col. 31 lines 4-13 and col. 1 lines 44-48.

See col. 2 lines 28-45. The conversion, although not considered to enable a new processor, is inherently provides for via, for example, the goto structure. **The applicant is directed to the definition of the term syntax (see page 382 of Que's Computer Programmer's Dictionary attached), which is defined as "The rules specifying the form of the statements used in a given language (therefore, it is different for each language) and how the statements may be combined into programs. Therefore, as previously indicated syntax conversions from one language to another requires stripping of the original format and transforming to the syntax required for the target language to avoid errors, see also the background and summary of the two newly cited references (2002/0040359,**

2006/0277029 and 6,523,172) which are listed to indicate the state of the art of conversions from one language to another.

6. Applicant's arguments filed 10/20/06 have been fully considered in reference to claims 9-10 and 15-16; but, they are not persuasive, for the reasons specified above.

7. Claims 1-8 and 11-14 are allowed.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



John Chavis
Primary Examiner AU-2193